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TO: Commissioner of Patents; Mail Stop Amendment
FROM: Louise A. Foutch, Registration Number: 37,133
RE: Serial Number: 09/932,254
Attorney Docket Number: V0162
DATE: November 22, 2004 FAX NUMBER: (703) 872-9306
NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 8

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PTO/SB/21 (09-04)

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| | | | |
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 09/932,254 |
| | | Filing Date | August 16, 2001 |
| | | First Named Inventor | Lu Liu |
| | | Art Unit | 1636 |
| | | Examiner Name | Vogel, Nancy S. |
| Total Number of Pages in This Submission | 8 | Attorney Docket Number | V0162 |

| ENCLOSURES (check all that apply) | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|-------------------------|----------|--------|
| Firm | | | |
| Signature | <i>Louise A. Foutch</i> | | |
| Printed Name | Louise A. Foutch | | |
| Date | November 22, 2004 | Reg. No. | 37,133 |

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| Signature | <i>Louise A. Foutch</i> | | |
| Typed or printed name | Louise A. Foutch | Date | November 22, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Name (Type or Print) Louise Foutch

Signature

Louise A. Foutch

Date November 22, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/932,254 Confirmation No. 3106
Applicant : Lu Liu
Filed : 08/16/2001
TC/A.U. : 1636
Examiner : Vogel, Nancy S.
Docket No. : V0162
Customer No. : 27310
Title : Novel Constructs and Their Use in Metabolic Pathway Engineering

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RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action of November 3, 2004, in which the Examiner has repeated the listing of claims readable on the elected species requirement.

Applicant confirms election of the claims of Group I, as indicated in the reply filed June 18, 2004, and the election of the species of B, the group consisting of diaminobutyric acid amino transferase, diaminobutyric acid acetyltransferase, and ecotoine synthase, as indicated in the reply filed August 17, 2004.

Application Number: 09/932,254
Amendment dated: November 22, 2004
Reply to Office Action dated: November 3, 2004

Claims readable on the elected species are: 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 32, 33, 34, 35, 36, 37, 38, 39, 41, 44, 45, 46, 47, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 105. The elected claims are attached hereto for the Examiner's convenience.


Add new claim 105.

105. (New) The method of claim 80, wherein the at least two enzymatic domains comprise domains from plant enzymes selected from the group consisting of diaminobutyric acid aminotransferase, diaminobutyric acid acetyltransferase and ecotoine synthase.

Applicant reserves the right to pursue the non-elected inventions in continuing applications.

It is not believed that an extension of time or fees are required. However, in the event that additional extensions of time are necessary to allow consideration of the paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-1852.

Respectfully submitted,



Louise Foutch
Attorney for Applicant(s)
Registration No. 37,133

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